

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

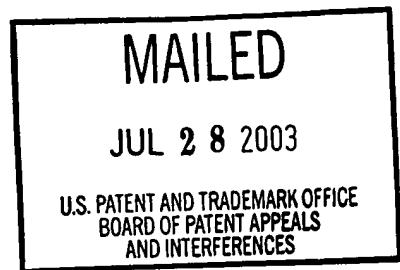
Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte CLEMENCE K. DARTEY and
THOMAS E. SOX

Application No. 09/461,887



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We are unable to locate the Japanese Patent corresponding to the CAPLUS Abstract, 1986:18914 (JP 60149367) Hohnen Oil Co. relied upon by the Examiner (Examiner's Answer, Paper No. 22, page 3, mailed April 4, 2003) in the administrative file.

Additionally, we were also unable to locate a complete copies of the translations for the three Japanese Patents mentioned on page 3 of the Examiner's Answer (Paper No. 22) (JP 06024966; JP 6329357; and JP 60149367).

Accordingly, it is

ORDERED that the application is remanded to the Examiner to provide a complete copy of the missing reference (CAPLUS Abstract, 1986:18914 (JP 60149367) Hohnen Oil Co.), and it is

FURTHER ORDERED that the application is returned to the Examiner to place a complete copy of the missing translations for the three Japanese Patents (JP 06024966; JP 6329357; and JP 60149367) in the administrative file, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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